

In Re: App. No. 09/358,280  
Response to Final Office Action of 10-28-05  
Docket No. 6030-021 (formerly MISTY-52064)  
Customer No. 29,335

### **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

Claims 1-4. (Canceled).

Claim 5. (Currently Amended) A misting apparatus for cooling a local area in the vicinity of a person by evaporative cooling, comprising:

a generally cylindrical pressurizable container for supplying water, said container having an inlet for filling said pressurizable container, first and second ends and at least one end cap coupled to the first and second ends;

means for pressurizing the pressurizable container by a pump apparatus coupled to one of the first and second ends, said pump apparatus comprising a cylindrical housing having a one-way valve and a seal member carried by a reciprocating member disposed within the cylindrical housing and reciprocably moveable therein, and a handle coupled to the reciprocating member, whereby reciprocal movement of the reciprocating member creates a positive pressure within the cylindrical housing which is transmitted through the one-way valve and into the pressurizable container, thereby introducing a gas to the pressurizable container;

~~a restrictive valve directly coupled to the inlet of the pressurizable container;~~

a water conduit having a proximal and distal end, the proximal end connected to the restrictive valve;

a spray nozzle secured to the distal end of the water conduit and in fluid communication with said water conduit, said spray nozzle capable of delivering an evaporative cooling mist of water in the vicinity of a person for cooling the person when pressurized water is supplied to said spray nozzle; and

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~~wherein the restrictive valve has a closed position and an open position, whereby pressurization of said pressurizable container forces an uninterrupted spray of water from said pressurizable container out through said spray nozzle on said conduit when said restrictive valve is in said open position.~~

an attachment strap for attaching the misting apparatus to a person.

Claim 6. (Canceled)

Claim 7. (Canceled)

Claim 8. (Previously presented) The misting apparatus of claim 5, wherein said pressurizable container further comprises means for sealing said inlet for filling the pressurizable container.

Claim 9. (Cancelled)

Claim 10. (Cancelled)

Claims 11-17. (Canceled)

Claim 18. (Currently Amended) An apparatus for generating an evaporative mist, useful for evaporatively cooling an individual, comprising:

a pressurizable container for holding fluid for delivery, wherein said pressurizable container contains an inlet for filling said pressurizable container, and a seal member carried by a reciprocating member disposed within the pressurizable container and reciprocally moveable therein, and a handle coupled to the reciprocating member, whereby reciprocal movement of the reciprocating member creates a positive pressure within the pressurizable container which is transmitted through a one-way valve;

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a manual pump physically connected to the pressurizable container capable of pressurizing the pressurizable container by introducing a gas into the pressurizable container;

a means for delivering fluid as a continuous evaporative mist; ~~and~~

a means for controlling the emission of evaporative mist; ~~and, wherein said means comprises a restrictive valve directly coupled to the inlet of the pressurizable container.~~

an attachment for securing the pressurizable container to the individual for hands-free carrying of the apparatus.

Claim 19. (Previously presented) The apparatus for generating an evaporative mist according to claim 18, further comprising:

a fluid conduit, the conduit being in fluid communication with the means for controlling the emission of evaporative mist and pressurizable container; and

a means for hands-free directing of the means for delivering fluid as a continuous evaporative mist towards the individual creating an evaporative cooling effect.

Claim 20. (Canceled)

Claim 21. (Previously presented) The apparatus for generating an evaporative mist according to claim 18, wherein the means for delivering fluid as a continuous evaporative mist comprises a nozzle having an aperture.

Claims 22. (Canceled)

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Claim 23. (Previously presented) The misting apparatus of claim 5, wherein said water conduit comprises a first water conduit within said container and a second water conduit connected to said first water conduit, said second water conduit having a distal end;

wherein said spray nozzle is secured to the distal end of the second water conduit and is in fluid communication with said second water conduit, and

wherein said restrictive valve is connected to said second water conduit.

Claim 24. (Currently Amended) A misting apparatus for cooling a local area in the vicinity of a person by evaporative cooling, comprising:

a pressurizable container for supplying water, said container having an inlet for filling said pressurizable container and a seal member carried by a reciprocating member disposed within the pressurizable container and reciprocably moveable therein, and a handle coupled to the reciprocating member, whereby reciprocal movement of the reciprocating member creates a positive pressure within the pressurizable container which is transmitted through a one-way valve;

~~a non-removable means for pressurizing the pressurizable container by introducing a gas to the pressurizable container;~~

a water conduit having a proximal and distal end, the proximal end connected to the pressurizable container;

a spray nozzle secured to the distal end of the water conduit and in fluid communication with said water conduit, said spray nozzle capable of delivering an evaporative cooling mist of water in the vicinity of a person for cooling the person when pressurized water is supplied to said spray nozzle; and

a restrictive the one way valve having a closed position and an open position, said valve connected to said water conduit for controlling flow of water to said spray nozzle, whereby pressurization of said pressurizable container forces an uninterrupted spray of

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water from said pressurizable container out through said spray nozzle on said conduit when said restrictive valve is in said open position[.]; and

a means secured to the misting apparatus for attaching the misting apparatus to a person's waist.

Claim 25. (Canceled)

Claim 26. (Previously Presented) The misting apparatus of claim 24, wherein said pressurizable container further comprises means for sealing said inlet for filling the pressurizable container.

Claim 27. (Previously Presented) The misting apparatus of claim 24, wherein said means for pressurizing the pressurizable container comprises a manual piston pump.

Claim 28. (Previously Presented) The misting apparatus of claim 24, wherein said pressurizable container contains a mixture of ice and water.